

# DECLARATION AND POWER OF ATTORNEY

USA/PCT

As a below named inventor, I hereby declare that:

(a) My residence and Citizenship are as stated below my name. My P.O. (mailing) address is the same as my residence unless otherwise stated.

(b) I verily believe I am/we are the original, first and sole/joint inventor(s) of the subject matter that is embraced by and for which a patent is sought on the invention entitled: **A DENDRITIC-ANTINEOPLASTIC DRUG DELIVERY SYSTEM**  
and the specification of which:  is attached hereto (\_\_\_\_).  
(check one)  was filed on October 29, 2001 as (60800B).  
Application No. 10/016733  
and was amended on \_\_\_\_\_

(c) I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

(d) I acknowledge my duty under 37 CFR 1.56 to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56(b). If this application is a continuation-in-part application, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 CFR 1.56(b) that became available between the filing date of the prior application from which priority is claimed in part (f) below, and the national or PCT international filing date of this application.

(e) I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate listed below or § 365(a) of any PCT international application that designated at least one country other than the United States of America listed below, and also identify below any other foreign equivalent application for patent or inventor's certificate or any other equivalent PCT international application having a filing date before that of the application on which priority is claimed:

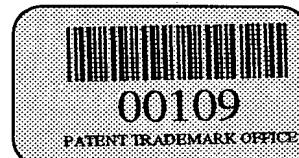
Number	PRIOR FOREIGN APPLICATION(S) Country or PCT	Day/Month/Year Filed	PRIORITY CLAIMED	CERTIFIED COPIES INCL.
			<input type="checkbox"/>	<input type="checkbox"/>

Additional claims for benefit are attached.

(f) I hereby Claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below, or under 35 U.S.C. §120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States of America listed below:

US or PCT Appln. Serial No.	Filing Date	Status at Application Filing Date
<u>US 60/051,800</u>	<u>July 7, 1997</u>	<u>Abandoned</u>
<u>US 09/111,232</u>	<u>July 7, 1998</u>	<u>Pending</u>
<u>US 09/881,126</u>	<u>June 14, 2001</u>	<u>Pending</u>

I hereby appoint the attorney(s) and/or agent(s) at the following Customer No. to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all correspondence to



This appointment, including the right to delegate this appointment, shall also apply to the same extent it is applicable under the laws of the United States of America to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor(s):

At: \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_  
 Full Name: Navid Malik  
 Residence: 1 Lynton Road  
Kilburn, London NW6 6BD  
 Country: United Kingdom  
 Citizenship: United Kingdom  
 P. O. Address: Same As Residence

At: Mt. Pleasant, Michigan  
this 15th day of March, 20 02

Signature: Donald A. Tomala  
 Full Name: Donald A. Tomala  
 Residence: 463 West Chippewa River Road  
Midland, Michigan 48640  
 Country: United States of America  
 Citizenship: United States of America  
 P. O. Address: Same As Residence

At: \_\_\_\_\_  
this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_  
 Full Name: Ruth Duncan  
 Residence: 143B Chiltern Court  
London, NW1 1AX  
 Country: United Kingdom  
 Citizenship: United Kingdom  
 P. O. Address: Same As Residence

At: Mt. Pleasant, Michigan  
this 15th day of MARCH, 20 02

Signature: Rosetta Estand  
 Full Name: Rosetta Estand  
 Residence: 1206 Glenwood  
Mt. Pleasant, Michigan 48858  
 Country: United States of America  
 Citizenship: United Kingdom  
 P. O. Address: Same As Residence

Additional names and signatures are attached.

**RECEIVED**  
**CHN**  
**AUG 19 2002**  
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# DECLARATION AND POWER OF ATTORNEY

USA/PCT

As a below named inventor, I hereby declare that:

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 of the invention entitled: **A DENDRITIC-ANTINEOPLASTIC DRUG DELIVERY SYSTEM**

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 (check one)  was filed on October 29, 2001 as (60800B).  
 Application No. 10/016733  
 and was amended on \_\_\_\_\_

**AUG 15 2002**

(c) I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.  
 (d) I acknowledge my duty under 37 CFR 1.56 to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 CFR 1.56(b). If this application is a continuation-in-part application, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in 37 CFR 1.56(b) that became available between the filing date of the prior application from which priority is claimed in part (f) below, and the national or PCT international filing date of this application.  
 (e) I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate listed below or § 365(a) of any PCT international application that designated at least one country other than the United States of America listed below, and also identify below any other foreign equivalent application for patent or inventor's certificate or any other equivalent PCT international application having a filing date before that of the application on which priority is claimed:

Number	PRIOR FOREIGN APPLICATION(S) Country or PCT	Day/Month/Year Filed	PRIORITY CLAIMED	CERTIFIED COPIES INCL.
			<input type="checkbox"/>	<input type="checkbox"/>

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I hereby appoint the attorney(s) and/or agent(s) at the following Customer No. to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all correspondence to



This appointment, including the right to delegate this appointment, shall also apply to the same extent it is applicable under the laws of the United States of America to any proceedings established by the Patent Cooperation Treaty.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor(s):

At: London, ENGLAND  
 this 7<sup>th</sup> day of June, 2002

Signature: Navid Malik

Full Name: Navid Malik  
 Residence: 1 Lynton Road  
Kilburn, London NW6 6BD  
 Country: United Kingdom  
 Citizenship: United Kingdom  
 P. O. Address: Same As Residence

At: \_\_\_\_\_  
 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_  
 Full Name: Donald A. Tomalia  
 Residence: 463 West Chippewa River Road  
Midland, Michigan 48640  
 Country: United States of America  
 Citizenship: United States of America  
 P. O. Address: Same As Residence

At: \_\_\_\_\_  
 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_  
 Full Name: Ruth Duncan  
 Residence: 143B Chiltern Court  
London, NW1 1AX  
 Country: United Kingdom  
 Citizenship: United Kingdom  
 P. O. Address: Same As Residence

At: \_\_\_\_\_  
 this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_  
 Full Name: Roseita Esfand  
 Residence: 1206 Glenwood  
Mt. Pleasant, Michigan 48858  
 Country: United States of America  
 Citizenship: United Kingdom  
 P. O. Address: Same As Residence

Additional names and signatures are attached.

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AUG 19 2002

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DECLARATION

I, Karen L. Kimble , hereby declare:

THAT the required Declaration and Power of Attorney forms for Navid Malik, Donald A. Tomalia and Roseita Esfand for U.S.S.N. 10/016,733, filed October 29, 2001 are provided with the Response to file Missing Parts.

THAT this Declaration is supplied for the Petition under 37 CFR 1.47(a).

THAT, Ruth Duncan, one of the named inventors, has refused to sign a Declaration and Power of Attorney form. As evidence a copy of a letter sent by The Dow Chemical Company to Dr. Duncan on March 11, 2002 (copy enclosed), which provided a copy of the application now filed for her review and asked her to sign various formal papers.

THAT, thereafter several further contacts with her occurred by email, letter and telephone (copy of a letter dated August 2, 2002 enclosed) to request that she sign these formal papers in accord with the terms of an agreement (now owned by The Dow Chemical Company, which requires that she sign such papers and cooperate in the prosecution thereof, as well as the exclusive license terms).

THAT, I recently received notice from Dr. Julian C. Axe by a letter of August 9, 2002 (copy enclosed), that Ruth Duncan refuses to sign these formal papers because she disagrees with the addition of the two added inventors (Tomalia and Esfand) for the new subject matter in this above-identified application.

THAT, Dr. Duncan's last known residential address is stated on the Declaration and Power of Attorney forms provided with the Response as:

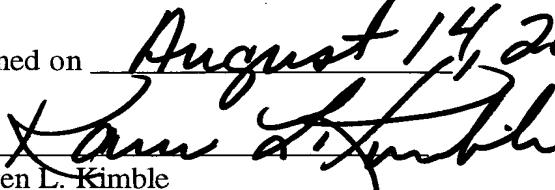
143B Chiltern Court  
London, NW1 1AX  
United Kingdom.

THAT, Dr. Duncan's last known business address is:

Centre for Polymer Therapeutics  
Welsh School of Pharmacy  
Redwood Building  
King Edward VII Avenue  
Cardiff CF 3XF  
United Kingdom.

THAT, I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

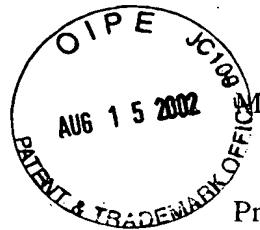
Further, Declarant says not.

Signed on August 14, 2002  
  
Karen L. Kimble

Enc.

Dow letter to Dr. Duncan of March 11, 2002  
Dow letter to Dr. Duncan of August 2, 2002  
Dr. Julian C. Axe letter of August 9, 2002

DOW



The Dow Chemical Company  
Midland, Michigan 48674

March 11, 2002

**ATTORNEY/CLIENT PRIVILEGED**

Professor Ruth Duncan  
Centre for Polymer Therapeutics  
Welsh School of Pharmacy  
Redwood Building  
Cardiff University  
King Edward VII Avenue  
Cardiff CF10 3XF  
United Kingdom

**DOW APPLICATION 60800C**

Enclosed for your perusal is the patent application identified above which has been prepared for your signature. Please comply with the following procedures to complete the formal papers for this application.

Please sign all Formal Papers in blue ink.

**A. Formal Papers For Application**

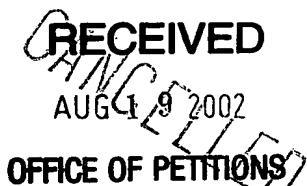
1. Declaration and Power of Attorney inserted as last page of the Application for Letters Patent. Please sign your name as it appears on the Declaration; also write in the date and place (city, state) of your signature.
2. Assignment (must be signed in presence of a Notary). Please sign your name as it appears on the Assignment; also write in the date of your signature. The Notary will execute the Notarial Certificate page.
3. PCT Appointment of Agent. Please sign your name as it appears on the PCT Appointment; also write in the date and place (city, state) of your signature.

**B. Return the following papers of this case to the Intellectual Property Section: (1) Declaration; and if there are any suggested changes please either annotate the Application or send me specific instructions of the changes that should be made. (2) The Assignment and Notarial Certificate; (3) PCT Appointment of Agent.**

If you should have any questions regarding changes or corrections, please telephone to discuss this with me before signing. The applications must not be altered in any way after execution. If any of the information is wrong on either the Declaration or Assignment please make the change and also initial and date the change.

Under the University of London Agreement Dow acquired from the Axis Genetics purchase you have the ability to assign any rights to The Dow Chemical Company.

Post Office Box 1967-  
Midland, MI 48641-1967 USA  
Facsimile No.: (989) 636-3237



1790 Bldg., Intellectual Prop.  
Washington St., Midland, MI 48674 USA

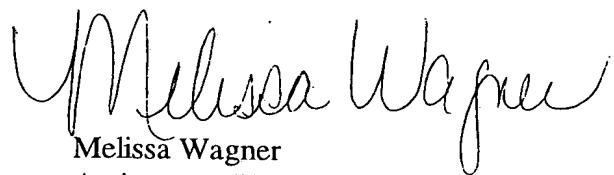
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R. Duncan  
March 11, 2002  
Page 2

Please complete the above procedure as quickly as conveniently possible.

Sincerely,



Melissa Wagner  
Assistant to Karen Kimble  
Telephone: (989) 636-3204  
Facsimile: (989) 636-2523

Enclosure